

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SYNOPSYS, INC.,)	
a Delaware corporation,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 05-701 (GMS)
)	
MAGMA DESIGN AUTOMATION,)	
a Delaware corporation,)	
)	
Defendant.)	

REVISED SCHEDULING ORDER

This _____ day of _____, 2006, the Court having held a scheduling conference with the parties on June 22, 2006,

IT IS HEREBY ORDERED that the Scheduling Order entered by the Court on December 28, 2005 (D.I. 24) is hereby revised as follows:

3. **Reliance Upon Advice Of Counsel.** The parties shall inform each other whether they intend to rely upon advice of counsel as a defense to willful infringement no later than September 22, 2006. If a party elects to rely on advice of counsel as a defense to willful infringement, that party shall produce any such opinions on which it intends to rely with its notice.

4. **Markman Claim Construction Hearing.** A *Markman* claim construction hearing shall be held on December 1, 2006 at 9:30 a.m. The *Markman* hearing is scheduled for a total of 6 hours with each side having 3 hours. The parties shall exchange claim charts reflecting their infringement contentions and the list of claims to be tried on or before August 4, 2006. The parties shall exchange proposed terms and claim elements for construction on September 8, 2006. The parties shall then exchange preliminary claim constructions and

identify the intrinsic and extrinsic evidence on which they will rely on September 22, 2006. The parties shall meet and confer regarding narrowing and reducing the number of claim construction issues. On or before October 13, 2006, the parties shall submit a Final Joint Claim Chart which shall include citations to intrinsic evidence. The parties shall file opening claim construction briefs on November 3, 2006, and the answering claim construction briefs on November 17, 2006. The parties shall file a joint appendix containing the relevant portions of the prosecution history of the patents in issue with the opening briefs on November 3, 2006.

5. **Discovery.** All fact discovery in this case shall be initiated so that it will be completed on or before January 12, 2007. Expert discovery in this case shall be initiated so that it will be completed on or before March 23, 2007. Opening expert reports on issues for which the party has the burden of proof shall be served on or before January 26, 2007. Rebuttal expert reports shall be served on or before February 23, 2007.

a. **Discovery And Scheduling Matters.** Should counsel find they are unable to resolve a discovery or scheduling matter, the party seeking the relief shall contact chambers at (302) 573-6470 to schedule a telephone conference. Not less than 48 hours prior to the teleconference, the parties shall file with the Court, via electronic means (CM/ECF), a **joint, non-argumentative** letter agenda not to exceed two (2) pages outlining the issue(s) in dispute. A sample letter can be located on this Court's website at <www.ded.uscourts.gov>. Should the Court find further briefing necessary upon conclusion of the telephone conference, unless otherwise directed, the party seeking relief shall file with the Court a **TWO PAGE LETTER**, exclusive of exhibits, describing the issues in contention. The responding party shall file within five (5) days from the date of service of the opening letter an answering letter of no more than

TWO PAGES. The party seeking relief may then file a reply letter of no more than two (2) pages within three (3) days from the date of service of the answering letter.

8. **Summary Judgment Motions.** Prior to filing any summary judgment motion, the parties must submit letter briefs seeking permission to file the motion. The opening letter brief shall be no longer than five (5) pages and shall be filed with the Court no later than December 12, 2006. Answering letter briefs shall be no longer than five (5) pages and filed with the Court on or before December 20, 2006. Reply letter briefs shall be no longer than three (3) pages and filed with the Court on or before December 27, 2006. The Court shall hold a telephonic Status Conference to hear argument and to determine whether the filing of any motion for summary judgment will be permitted on January 4, 2007 at 11:00 a.m. **Unless the Court directs otherwise, no letter requests to file a motion for summary judgment may be filed at a time before the dates set forth in paragraph 8.**

9. **Case Dispositive Motions.** All case dispositive motions and an opening brief and affidavits, if any, in support of the motion shall be served and filed on or before January 12, 2007. Answering briefs and affidavits, if any, in support thereof, shall be served and filed on or before January 31, 2007. Reply briefs shall be served and filed on or before February 9, 2007. Any request for extension of time as set forth in this Scheduling Order **must** be accompanied by an explanation or the request will be denied.

10. **Application By Motion.** Except as provided in this Scheduling Order or for matters relating to scheduling, any application to the Court shall be by written motion filed, via electronic means (CM/ECF). Unless otherwise requested by the Court, counsel shall **not** deliver copies of papers or correspondence to chambers. Any nondispositive motion should contain the statement required by Local Rule 7.1.1.

11. **Oral Argument.** If the Court believes that oral argument is necessary, the Court will schedule a hearing pursuant to District of Delaware Local Rule 7.1.4.

12. **Daubert Issues.** The parties shall submit any *Daubert* issues with the Pretrial Order, except that they may request a teleconference with the Court if they see a need to address any such issues at an earlier date.

13. **Pretrial Conference.** On May 15, 2007, beginning at 10:00 a.m., the Court will hold a Pretrial Conference in Chambers with counsel. Unless otherwise ordered by the Court, the parties should assume that filing the Joint Pretrial Order (a sample form of Pretrial Order can be located on this Court's website at <www.ded.uscourts.gov>) satisfies the pretrial disclosure requirement in Federal Rule of Civil Procedure 26(a)(3). On March 26, 2007, plaintiff's counsel shall forward to defendant's counsel a draft of the pretrial order containing the information plaintiff proposes to include in the draft. Defendant's counsel shall, in turn, provide to plaintiff's counsel any comments on the plaintiff's draft as well as the information defendant proposes to include in the proposed pretrial order. *Motions in limine*: No party shall file more than ten (10) motions *in limine*. The parties shall exchange opening *in limine* briefs on April 12, 2007, answering *in limine* briefs on April 16, 2007 and reply *in limine* briefs on April 23, 2007. Briefs (**opening, answering and reply**) on all motions *in limine* shall be filed by April 23, 2007 with the Pretrial Order. Opening and answering briefs shall not exceed five (5) pages and reply briefs shall not exceed three (3) pages. The parties shall file with the Court the joint proposed final pretrial order with the information required by the form of Final Pretrial Order which accompanies this Scheduling Order on or before April 23, 2007.

14. **Trial.** This matter is scheduled for a 10-day jury trial beginning 9:00 a.m. on June 11, 2007.

15. Scheduling. The parties shall contact Chambers at (302) 573-6470, only in situations where scheduling relief is sought, and only then when ALL participating counsel is on the line for purposes of selecting a new date.

United States District Judge

499025